

# **WARRENTON-FAUQUIER AIRPORT**

## **RULES and REGULATIONS & MINIMUM STANDARDS**

**November 1, 1997**

# CHAPTER I

## GENERAL PROVISIONS

### Section 1: Purpose

The mission of Warrenton-Fauquier Airport is to provide a safe, public use airport, operated on a self-sustaining basis, while providing quality services, being a good neighbor, and meeting the needs of the citizens and visitors. A major purpose will be to serve as a reliever airport for Dulles International and Washington National Airports.

These airport rules and regulations and minimum standards, hereinafter referred to “regulations and standards,” are adopted to establish the necessary administrative, operational, safety regulations, and standards for the management, government and use of the Warrenton-Fauquier Airport. The planned and professionally engineered growth of the Airport, through FAA and VDA Airport Improvement Program Grants, is identified as a primary objective. Economic development and growth will result in additional employment opportunities for Fauquier citizens and provide a superior airport facility for the aviation community. These regulations and standards apply to everyone using the Airport and must be observed.

### Section 2: Definitions

The following words and terms shall have the meaning indicated below:

- a. “AIM” (Airmen’s Information Manual): The AIM is a publication containing basic flight information and air traffic control procedures designed primarily for use as a pilot’s instructional manual in the National Airspace System of the United States.
- b. “Aeronautical Activities” means any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. Aeronautical activities include, but are not limited to, air charter, pilot training, aircraft hangar leasing, sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, any other activities which directly relate to the operation of aircraft. In contrast, examples, which are not “Aeronautical Activities”, include: ground transportation (taxis, car rentals, limousine services, etc.) restaurants and auto parking lots.
- c. “AGL” means an altitude expressed in feet measured Above Ground Level.
- d. “Airport” means the Warrenton-Fauquier Airport and all of the property, buildings, facilities and improvements within the exterior boundaries of such Airport as it now exists on the Airport Layout Plan or as it may hereafter be extended, enlarged, or modified.

- e. “Airport Manager” means the designated person or their designee appointed or employed by the County to manage the Airport. The Airport Manager is responsible for the safety, operations, management and maintenance of the Airport and is responsible for the enforcement of these standards and regulations.
- f. “Airport Operation Area” (AOA) means the area of the Airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft including the associated hangars and navigational and communication facilities.
- g. “County” means the County of Fauquier, Virginia and its Board of Supervisors, designated officials, officers, employees or representatives.
- h. “FAA” means the Federal Aviation Administration.
- i. “FAR” means Federal Aviation Requirements.
- j. “FBO” means Fixed Base Operator(s) duly licensed and authorized by written agreement with the County to operate at the airport under strict compliance with such agreement and pursuant to these regulations and standards.
- k. “Flying Club” means an organization established to promote flying for pleasure, and develop skills in aeronautics, including pilot age, navigation and awareness in appreciation of aviation requirements and techniques.
- l. “Full Service FBO” means Fixed Base Operator(s) who provides retail aviation fuel and oil sales and aircraft maintenance per the regulations and standards in Chapter III, Sections 9 and 10 of this document.
- m. “IFR” means Instrument Flight Rules, which govern the procedures for conducting instrument flight.
- n. “Individual Users” includes individual pilots, aircraft owners, tie-down and T-hangar renters, transient users and other individual users of the Airport.
- o. “Large Aircraft” means an aircraft exceeding a gross weight of 12,500 pounds.
- p. “Landside” means all the buildings and surfaces used by surface vehicular and pedestrian traffic on the Airport outside of the AOA.
- q. “Lease” (pertaining to the lease of an aircraft by an aeronautical activity) means a long-term written agreement established on a minimum basis of six (6) months wherein the lessee shall have full control over the scheduling and use of aircraft and the aircraft is insured as required by these Minimum Standards for use of the aircraft by Lessee.

- r. "Minimum Standards" means the standards, which are established by the County as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the Airport.
- s. "MSL" means an altitude expressed in feet measured from Mean Sea Level.
- t. "NFPA" means the National Fire Protection Association.
- u. "NOTAM" means a "Notice to Airmen" published by the FAA.
- v. "Proprietary Aeronautical Activity" means an activity as prescribed by FAA Advisory Circular 150/5190-2A (Exclusive Rights as Airports), in which the County may engage and deny the same rights to others without violation (FAA) policy.
- w. "Small Aircraft" means an aircraft with a gross weight less than 12,500 pounds.
- x. "UNICOM" means a non-governmental communicating facility, which may provide airport advisory information at certain airports. Locations and frequencies are shown on aeronautical charts and publications.
- y. "VDA" means Virginia Department of Aviation.
- z. "WADO" means the FAA, Washington Airports District Office.

### Section 3: Airport Manager

The Airport Manager is authorized to take all actions necessary to protect the public who use the Airport, to direct aircraft and vehicular traffic and to oversee all Airport operations consistent with these regulations and standards, and the laws of the Commonwealth of Virginia.

### Section 4: Rules and Regulations

All aeronautical activities at the Airport, all operation and flying of aircraft at the Airport, and all business and other activities at the Airport shall be conducted in conformity with these regulations and standards, and all pertinent statutes, ordinances, laws, rules, regulations, orders and rulings of the FAA, VDA, the Commonwealth of Virginia, Fauquier County, and the NFPA, which are made a part of these regulations and standards by this reference. In the event of any conflict between these regulations and standards and any law, rule, regulations, order or ordinance of any governmental agency cited in this section exercising the same or similar jurisdiction, the latter shall prevail.

## Section 5: Special Events

No special event, including, but not limited to, air shows, air faces, fly-ins, skydiving or other events requiring the general use of the Airport, other than normal or routine Airport traffic shall be held unless formal written consent has been granted by the County. Said approval shall specify the areas of the Airport authorized for such special use, dates and other such terms and conditions as the County may require.

## Section 6: Public Use

The Airport shall be open for public use at all times, subject to restrictions due to weather, the conditions of the Airport Operations Area, and special events and like clauses, as may be determined by the County, the Airport Manager or his designee. The Airport is provided by the County for the use, benefit and enjoyment of the public. The Airport shall be attended between the hours of 8:00 a.m. and sunset, Monday through Sunday.

## Section 7: Common Use Areas

Common use areas include all runways for landing and take-off, taxiways, Airport lighting, all apparatus or equipment for disseminating weather and wind information, for radio or other electrical communications and other structures, equipment or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft. All parallel and connector taxiways shall be considered common use areas. All apron taxiways through leased areas shall be considered common use areas available for use, in common, by all persons flying or operating aircraft on the Airport and shall be kept clear and available for aircraft traffic. T-hangar taxi-lanes are also considered common use areas. No FBO or other person shall use any common use areas for the parking or storing of aircraft or for any other operation of aircraft without the prior consent of the Airport Manager or designee. The County may change common use areas at any time.

## Section 8: Vehicular Traffic and Parking

The traffic laws of the Commonwealth of Virginia shall apply to the streets, roads and vehicular parking areas at the Airport, unless otherwise provided for by the law. Except for fire and rescue vehicles, no person shall take or drive any vehicle on the Airport, other than on established streets, roads, vehicle routes, and vehicular parking areas, unless permission has been obtained from the Airport Manager or his/her designee. Operators of unauthorized vehicles shall be subject to removal and vehicles towed, if necessary, at the owner's expense. The following rules of operation apply to vehicles operated on the Airport:

- a. No person shall operate a motor vehicle on the Airport in a reckless or negligent manner. Except for fire and rescue or law enforcement vehicles, no vehicle shall operate in excess of 15 miles per hour.
- b. Pedestrians and aircraft shall have the right of way at all times. Vehicles shall pass to the rear and at least 20 feet clear of taxiing aircraft.
- c. When parking on the tie-down or transient apron, vehicles shall be parked clear of taxi lanes and parked aircraft so as not to endanger, damage or interfere with such aircraft.
- d. The operator of any vehicle must have a valid driver's license and be qualified to drive the vehicle being operated.
- e. Vehicles shall be prohibited from operating on the airport runway or taxiway without written permission from the Airport Manager or his/her designee.

#### Section 9: Advertising and Signs

No signs or other advertising shall be placed or constructed upon the Airport, or any building, structure, or improvement thereon without having first obtained written approval from the County, the Airport Manager. The County may refuse permission for such signs if it determines that such signs are undesirable, unnecessary or may create a safety hazard.

#### Section 10: Acceptance of Regulations and Standards by Use

The use of the Airport shall constitute an acceptance by the user of these regulations and standards and shall create an obligation on the part of the use to obey the regulations and standards.

#### Section 11: Regulations and Standards Made Available

All persons permitted to do business at the airport shall keep a current copy of these regulations and standards in their office or place of business, and shall make the copy available to all persons.

#### Section 12: Pedestrians

All pedestrians at the Airport shall remain outside of the operations area unless escorted by an airport employee or authorized representative.

## **CHAPTER II**

### **AIRCRAFT OPERATION AND AIRPORT TRAFFIC**

#### **Section I: General**

- a. Every person operating an aircraft shall comply with and operate such aircraft in conformity with procedures recommended in the AIM, and these regulations and standards, and all pertinent statutes, ordinances, laws, and other appropriate governmental agencies. Each person operating an aircraft is responsible for the safety of his/her operation and the safety of others exposed to such operation.
- b. Aeronautical activities, that than the activities specifically described and allowed herein, shall be submitted to the County in writing for approval prior to engaging in such aeronautical activity. The written request should describe the activity, the operations and all provisions for ensuring the safety of such operations. The requested aeronautical activity shall not be conducted until properly coordinated and approved of in writing by the Airport Manager and until all other prerequisites to conducting such activity have been satisfied.
- c. All pilots of aircraft having radio equipment permitting two-way communication should contact the Airport UNICOM on 122.70 to obtain airport advisory information and announce their intentions when they are within ten (10) miles of the Airport. The procedures outlined in the AIM shall be utilized for communications at this Airport. Pilots having radios permitting reception only should maintain listening watch on the UNICOM frequency at the Airport when they are within ten (10) miles of the Airport.
- d. All aircraft shall follow the appropriate taxiway and runway guidance markings and lighting when operating on the Airport.
- e. Aircraft shall not be operated carelessly or negligently or without regards to the rights or safety of others.
- f. If the Airport Manager believes the conditions at the Airport are unsafe for takeoffs or landings, it shall be within his/her authority to issue a NOTAM to close the Airport, or any portion thereof, for such time as necessary to correct the unsafe operation.
- g. In the event that any aircraft is wrecked or damaged to the extent that it cannot be moved under its own power, the pilot in command of the aircraft or an FBO shall immediately notify the Airport Manager if the pilot in command is unable to give notice. Subject to governmental investigations and inspection of the wrecked or damaged aircraft, the owner or pilot of the aircraft, or the owner agent or legal representative shall take immediate action to move the aircraft clear from all runways, taxiways, ramps, tie-down areas and other traffic areas and move it to a place designed by the Airport Manager. If the owner of the aircraft fails for any reason to remove the wrecked aircraft as may be requested by the Airport Manager from the

Airport Operations Area of if the owner cannot be reached within seven (7), the Airport Manager will cause the removal and storage or disposal of such wrecked or damaged aircraft at the sole expense of the aircraft owner.

- h. Every aircraft owner, operator, or lessee shall pay when due all charges for services received on premises, equipment or goods leased or purchased.

## Section 2:     Parked Aircraft

- a. No person shall park, store, tie-down or leave any aircraft on any area of the Airport other than that designated by the Airport Manager. A specific tie-down space shall be assigned to each aircraft when the space is rented on a monthly basis. No one shall use any aircraft anchoring or tie-down facilities when such facilities are reserved for another aircraft.
- b. The operator or owner of an aircraft shall properly secure the aircraft while it is parked or stored. Aircraft operators or owners are solely responsible for parking and tying down their aircraft, including any securing devices, ropes, cables or special security measures required by weather conditions or other conditions at the Airport. Pilots or owners shall also be responsible for securing aircraft in a manner necessary to avoid damage to other aircraft or buildings at the Airport in the event of wind or other severe weather. Owners or operators of all aircraft shall be held solely responsible for any damage or loss resulting from the failure of such owner or operator of such aircraft to comply with this rule. The Airport's obligation, unless provided for in a lease agreement, shall be limited to the maintenance of the aircraft parking space. Parking space maintenance shall consist of such things as grommet repair and asphalt repair. Snow removal shall be limited to the paved taxi lanes adjacent to the tie-down space.

## Section 3:     Maintenance of Aircraft

- a.       Repairs to aircraft or engines shall be made in the areas designated for this purpose by the County and the Airport Manager, and not on any part of the runway, taxiways, ramps or fueling service areas. This section does not prohibit owners from performing maintenance on their own aircraft in their assigned hangars or tie-down space as authorized by the FARs. No person shall allow a person who is not his/her employee onto the Airport to perform maintenance on his owned or operated aircraft unless the aircraft requires repairs which cannot be adequately performed by authorized maintenance and repair service on the Airport. An employee is defined as an individual on the normal payroll of the employer. Any aircraft owner utilizing an employee to perform aircraft maintenance may be required to provide the County evidence of employment in a form acceptable to the County. Social Security records, corporate identification, etc. shall be deemed acceptable evidence of employment. An aircraft owner shall not contract with a second party, such as an aircraft maintenance company or contractors, to perform "scheduled"



maintenance on his/her aircraft at the Airport unless said company or contractor is recognized by the County as an authorized maintenance FBO as defined in these regulations and standards. "Unscheduled maintenance is limited to the following:

1. Warranted maintenance work that requires repair or additional attention by the warranting company.
  2. A malfunction that prevents the aircraft from being taken to another airport for maintenance.
  3. Maintenance work that requires a specialty service that is not being provided by an existing FBO operating at the Airport.
- b. All aircraft maintenance shall be conducted strictly in accordance with these regulations and standards; all Federal, State, and County fire and safety regulations; all Federal, State, and County rules and regulations; airworthiness directives, and other applicable rules and regulations.
- c. No aircraft engine shall be started on an aircraft unless a competent operator is at the controls of the aircraft.
- d. No aircraft engine shall be run up unless the aircraft is in a position that the propeller or turbine engine blast clears all hangars, shops, other building, persons, other aircraft and automobiles or vehicles in the area, and the flight path of arriving or departing aircraft.

#### Section 4: Taxiing

All aircraft shall be taxied at the lowest reasonable speed when operating between or near the hangars or tie-down areas.

#### Section 5: Traffic Rules

- a. The traffic pattern is a standard left hand pattern and shall be utilized with the procedures outlined in the AIM.
- b. The "Calm Wind" runway (when winds are five (5) knots or less regardless of direction) is runway 14.
- c. The traffic pattern altitude is 1,000 feet AFL for small aircraft and 1,500 feet AGL for large aircraft (to including turboprop and turbo jet).

## **CHAPTER III**

### **FIRE PREVENTION AND AIRCRAFT SELF-FUELING**

#### **Section 1: General**

The purpose of this section is to provide fire prevention and self-fueling regulations and standards for persons who service or fuel their own aircraft. Persons who intend to use flammable or volatile liquids on the Airport and/or fuel their own aircraft shall do so in accordance with the requirements of the National Fire Protection Association (NFPA) 407 Standard for Aircraft Fuel Servicing, and FAA Advisory Circular 150/5230-4 (with change). The following shall apply except where applicable codes differ, in which case the latter shall prevail.

#### **Section 2: Flammable or Volatile Liquids**

No person shall use flammable or volatile liquids having a flash point of less than 100 degrees Fahrenheit in the cleaning of aircraft, engines, propellers, appliances, or for any other purpose. The procedures and precautions outlined in the criteria of NFPA pamphlet 410-D (Safeguarding Aircraft Cleaning, Painting and Paint Removal) and NFPA Pamphlet 410-F (Aircraft Cabin Cleaning and Refurbishing Operations) are hereby incorporated by reference and made part of this chapter as if fully set out herein, and shall be adhered to in all cleaning, and painting, and refurbishing operations using flammable or volatile liquids, including storage of such liquids. No rags soiled with flammable substances shall be kept or stored in any building on the Airport with exception of County approved aircraft maintenance facilities but only if kept or stored in a manner acceptable to the County Fire Marshall.

#### **Section 3: Cleaning and Liquid Disposal**

No person shall clean any engines, or other parts of an aircraft, in any hangar with flammable substances. If flammable liquids are used for this purpose, the operation shall be carried out in the open air in a designated owner maintenance area identified by the Airport Manager. Fuels, oils, dopes, paints, solvents, acids shall not be disposed of or duped into the drains, on the aprons, catch basins, ditches (on or adjacent to the Airport) or elsewhere on the Airport. Such liquids shall be disposed of at an approved waste disposal site off Airport property.

#### **Section 4: Cleaning Floors**

Floors shall be kept clean and free of oil. The use of volatile or flammable solvents for cleaning floors is prohibited.

#### **Section 5: Drip Pans**

If required by aircraft design, drip pans shall be placed under engines.

## Section 6: Fueling Operations

No fixed wing aircraft shall be fueled while its engine is running, or while in a hangar or other enclosed place. During fueling, the use of bonding in conjunction with or in lieu of grounding of electricity shall be continuously maintained. Persons may only self-fuel aircraft owned by them provided such operation is in accordance with NFPA 407 and these regulations and standards. An aircraft owner may service his/her own aircraft provided they do so personally, or with his/her own full-time employees and his/her own equipment in accordance with the established regulations of the County related to such work.

## Section 7: Fuel Storage

No fuels shall be stored on Airport property other than in the bulk storage and distribution system (Fuel Farm) owned and maintained by the County.

## Section 8: Compressed Gasses

Cylinders of compressed gasses shall not be stored inside hangars or occupied buildings but shall be stored external to occupied buildings and hangars in facilities approved of in writing by the Airport Manager.

## Section 9: Fuel Servicing Vehicles

Refueling vehicles shall be maintained and operated in accordance with the Environmental Protection Agency (EPA), Federal, State, and Local codes covering fuel dispensing on airports, and NFPA Standard 407 (Aircraft Fuel Servicing). The applicable sections of FAA Advisory Circular 150/5230-4 shall also be followed.

- a. Each refueler shall be conspicuously labeled in letters of contrasting color, with the words "flammable" on both sides and rear of the cargo tank in letters of at least six (6) inches high. Each refueler will also be conspicuously marked on both sides and rear with the type and grade of fuel it contains with appropriate color schemes.
- b. A refueler cargo tank shall be supported by and attached to the vehicle upon which it is attached.
- c. Fueling personnel shall be of sufficient numbers to safely operate the fuel storage and dispensing systems and perform periodic checks and inspections essential to their proper functioning.

#### Section 10: Contracts Prohibited

An aircraft owner shall not contract with a second party, such as an oil company or fuel contractor, to refuel their aircraft. The second party is considered a commercial aeronautical activity.

## **CHAPTER IV**

### **AIRPORT OPERATORS, LEASES, CONCESSIONS, AND MINIMUM STANDARDS**

#### **Section 1: Business Activity Compliance**

Subject to applicable orders, certificates or permits of the FAA, or their successors, Grant Agreements with the FAA, VDA, and the laws of the Commonwealth of Virginia, no person shall use the Airport or any portion thereof or any of its improvements or facilities as the primary base of operations for commercial business or aeronautical activities who has not first obtained the consent and required approval and/or licenses for such use from the County and entered into such written leases and sub-leases and other agreements as may be required by the County. Notwithstanding any other provision of these regulations and standards and any FBO leases agreement now and hereafter approved by the County, requirements of the latter shall prevail.

#### **Section 2: Action on Application**

The County may deny any application, or reject any bid or proposal to operate any activity on the Airport, if, in its opinion, it finds any one or more of the following:

- a. The applicant does not meet the qualifications, standards, and requirements established by these regulations and standards.
- b. The applicants proposed operations or construction would create a safety hazard.
- c. The granting of the application will require the County to spend funds, or to supply labor or materials, which the County is unwilling to spend or supply.
- d. There is no appropriate, adequate, or available space or building on the Airport to accommodate the applicant at the time of the Application.
- e. The proposed operation, Airport development, or construction does not comply with the FAA approved Airport Layout Plan for the Airport.
- f. The development or use of the area requested by the applicant will result in depriving existing FBO's of portions of the area which they are operating; will result in congestion of aircraft or buildings; or will unduly interfere with the operations of any present FBO on the Airport, or prevent free access to the FBO's operations.
- g. The applicant has supplied the County or any other persons with any false information or is misrepresented any material fact or has failed to make full disclosure in his/her application or in supporting documents.

- h. The applicant has violated any of these regulations and standards, or the regulations and standards of any other airport, of the Federal Aviation Regulations or any other regulation, statutes, ordinances, laws, orders, or rules applicable to the Airport or any other airport.
- i. The applicant has defaulted in the performance of any lease or any other agreement with the County.
- j. The applicant credit report contains negative information. The applicant is not a person of satisfactory responsibility and reputation.
- k. The applicant does not have, or have access to the operating funds necessary to conduct the proposed operation.
- l. The applicant is unable to obtain sufficient insurance, financial sureties or guarantors to protect the interest of the County, the Commonwealth of Virginia, the FAA or other appropriate governmental entities.
- m. The applicant's activities or operations have been or could be detrimental to the Airport or any other airport.
- n. The applicant has been convicted of any crime or violation of any State, City, or County ordinance of such a nature that it indicates to the County that the applicant would not be a desirable operator on the Airport.

### Section 3: Supporting Documents

All applicants shall submit the following supporting documents to the County, together with other such documents and information that may be requested by the County:

- a. A current financial statement prepared by financial entities approved of by the County.
- b. A written listing of assets owned or being purchased, which will be used in the applicant's operation at the Airport.
- c. A current credit report on the applicant principals, co-owners or partners.
- d. A description of previous experience in airport services, a listing of key personnel to be assigned to the Warrenton-Fauquier Airport and a description of duties, responsibilities and prior experience of such personnel.

- e. A written and signed authorization permitting the FAA, all Airports, Aviation or Aeronautical Commissions, Administrators, or Departments of all State in which the applicant or its key personnel have engaged in aviation business to supply the County with all information in their files relating to the applicant, his/her operation or the applicant's key personnel. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies or by the County or by the Airport Manager.

#### Section 4: Airport License and Leases Non-Transferable

No right, privilege, permit, or license to do business at the Airport or any lease of any area of the Airport or part thereof shall be assigned, sold or otherwise transferred or conveyed in whole or in part without the prior expressed written consent of the County. No lease, or portion thereof may be assigned or sublet without the prior approval of the County and all assignees or subleases approved by the County shall reference and comply with these regulations and standards.

#### Section 5: Rates

Rates charged by FBOs as its leasehold for hangar space, t-hangar rentals, tie-downs, products and service charges shall not be excessive, discriminatory or otherwise unreasonable and shall be filed with the County. FBO shall provide a list to the Airport Commission with names and addresses of all aircraft owners leasing or utilizing t-hangars or tie-downs. A list shall be provided every year to the Commissioner of Revenue by February 1 of every year of all aircraft utilizing Warrenton-Fauquier Airport for hangar or tie-down on the first day of January of that year.

#### Section 6: Refuse

No person shall throw, dump, or deposit any waster, refuse or garbage on the Airport. All waste, refuse or garbage shall be placed and kept in closed garbage cans or containers and all operations kept safe, neat and clean at all times.

#### Section 7: Approval of Construction

No building, structure, tie-down, ramp, paving taxi area or any other improvement or addition on the Airport shall be placed or constructed, enacted, altered or removed without prior written approval of the County. Prior to such work being done, the County, at its discretion, requires a work bond, letter of credit or other surety to guarantee the work. The form of such bond, letter of credit or surety shall be subject to the approval of the County Attorney. The County shall consider conformance to the Capital Improvement Plan for the Airport, Airport Master Plan, and Approved Airport Layout Plan prior to the approval or denial of any construction or development at the Airport.

## Section 8: Operation Area

No person authorized to operate or conduct business activities at the Airport shall do so on any area except that approved of in writing by the County.

## Section 9: Fixed Base Operators

a. A FBO shall be a person or entity who carries out or conducts one or more of the following services at the Airport:

- Aircraft sales
- Parts and Accessories Sales
- On-Demand Air Taxi operations prescribed under FAR 135
- Scheduled Pt. 121 Airline operations under FAR 135 or 121
- Aircraft Rental
- Flight Instruction
- Maintenance Services
- Aviation fuels and oil dispensing services
- Aircraft Storage
- Commercial Flight Services
- Banner Towing
- Aerial photography and survey
- Power line or pipeline patrol
- Any other operations specifically excluded from FAR 135.

b. General FBO Regulations

- a. Except in cases of an FBO offering t-hangar or inside hangar storage only, each FBO is required to provide and maintain an office, which shall be staffed and open to the public during normal business hours of each normal business day. Such office shall be the operator's office or place of business on the Airport. This office shall include a waiting room with appropriate furnishings, separate restrooms for men and women, and a public telephone unless adequate facilities exist as determined by the County. These facilities and office shall be kept in a clean and orderly condition and properly painted. The office shall include at least 150 sq. ft. of inside floor space, less inside partitions. Only one office shall be required of each FBO. No FBO, its employees, agents, officers, or other persons connected with the business shall use the office area or other facilities of any other FBO without consent of said FBO and the County.



- b. Each FBO shall enter into agreement with the County that shall include an agreement on the part of the FBO to accept, be bound by, comply with and conduct its business operations in accordance with these regulations and standards and to agree that this approval and authority to carry on business at the Airport shall be subject to these regulations and standards.
- c. Unless otherwise provided for in a lease agreement with the County, the FBO shall, at its own expense, provide, construct, install, equip and maintain all utilities, buildings, structures, and all other facilities and improvements requested by the FBO and approved of by the County for the FBO to carry on the activities or services authorized by the County.
- d. The FBO shall promptly pay, when due, all financial obligations as per the lease agreement with the County.
- e. Plans, specifications, and FAA Form 7460-1 for any construction required by the FBO shall be submitted to the County for review and approval. Construction thereon shall commence sixty (60) days from the FAA's and County's approval of the plans and specifications. Unless otherwise provided in an FBO lease agreement, the County for good cause upon request may extend the deadlines provided in this paragraph from the FBO. All construction shall comply with the applicable building codes and other ordinances, and the proper permits shall be secured and the fees shall be paid by the FBO.
- f. Unless otherwise provided by the County, all operations of the FBO shall be conducted in an area of sufficient size to accommodate all services for which the operator is approved, allowing for growth in the foreseeable future and additional services as contemplated by the County. The FBO shall conduct its business operations strictly within the areas assigned it by the County and its operations shall not in any way interfere with the operations of the other agencies, or businesses operating at the Airport; the use of the Airport by the general public; or with any common use areas. The FBO shall not use any common use areas except as authorized by these regulations and standards or by the County.
- g. An FBO must have available at all times sufficient operating funds to conduct the FBO's business for a period of at least three months.
- h. An FBO shall cooperate with the County in the operation, management and control of the Airport and shall do things necessary to promote and develop the Airport into an attractive, efficient and modern facility.

- i. All complaints by any person other than the County, against any FBO for violation of these regulations and standards or, the terms of the FBO agreement shall be in writing and filed with the County. All complaints shall be signed by the person making the complaint and shall specify dates, times, facts, and witnesses, if any.
- j. The FBO agrees to indemnify, defend, save and hold harmless the County, its agents, officers, representatives, and employees, from and against any and all actions, penalties, liability, claims, demands, damages, or losses arising directly or indirectly out of acts or omissions of the FBO, its agents, officers, representatives, employees, servants, guests, or visitors.
- k. The FBO shall furnish all services authorized or approved by the County, on a fair, and not unlawfully discriminatory basis, to all persons and shall charge fair, reasonable, and not unlawfully discriminatory, prices for each unit of service; provided that the FBO make reasonable discounts, rebates, or other similar types of reductions to volume purchasers, if permitted by law.
- l. Each FBO, upon being fully authorized by the County to construction any required physical facilities, shall immediately commence and conduct on a full-time basis, all business activities and services upon completion of said facilities.
- m. The County may, at its discretion, terminate any lease or other agreements authorizing the FBO to conduct services or businesses at the Airport, which said termination shall automatically revoke the FBO's lease, for any cause or reason provide in these regulations and standards or of the terms of any agreement between the County and the FBO, and in addition thereto, upon that happening of any one or more of the following.
  - 1. Filing of a petition, voluntarily or involuntarily, for the adjudication of the FBO as bankrupt.
  - 2. The FBO making any general assignment for the benefit of creditors.
  - 3. Abandonment or discontinuance of any permitted operation at the Airport by the Airport by the FBO or the failure to conduct operation on a full-time basis without the prior approval of the County.

4. Failure of the FBO to remedy any default or breach of violations by its personnel in keeping, observing, performing and complying with these regulations and standards and the terms, covenants and conditions in any lease or agreement entered into pursuant hereto on the part of the FBO to be performed, kept, or preserved, within thirty (30) days from the date of the written notice from the County has been mailed or delivered to the place of business of the FBO at the Airport.
  5. Failure to promptly pay to the County, when due, all rents, charges, fees and other payments which are payable to the County by the FBO.
  6. Operation of the business of the FBO so as to create a safety hazard on the Airport for other Airport users, aircraft or property at the Airport, the general public or any other pilots, students or passengers.
  7. The discovery that the FBO has misrepresented, misstated, falsified, withheld or failed to make full or accurate disclosure of any information.
  8. Any action or omissions of the FBO or its principals, which adversely affect or may adversely, affect the mission of the Airport.
- n. In the event of such termination, upon written notice that the FBO shall immediately and peaceably vacate the Airport and shall surrender possession of the premises to the County and shall cease and desist all business operations at the Airport. Should the FBO fail to make such surrender, the County shall have the right and without notice to the FBO, to enter and take full possession of the space occupied by the FBO by force or otherwise, and to expel, oust, and remove any and all persons that may be found within or upon the property at the sole expense of the FBO and without being liable to prosecution or to any claim for damages. Upon such termination by the County, all rights, powers and privileges of the FBO shall cease and the FBO shall make no claim of any kind whatsoever against the County, its agents, representatives by reason of such termination, or any act or omission related thereto.
  - o. In addition to all other rights and remedies provided in these regulations and standards, the County shall have any and all other rights and remedies at law or equity, including the equitable remedy of injunction, to enforce these regulations and standards, to obtain compliance herewith and to impose the penalties herein provided.

- p. The County or any authorized agent of the County shall have the right to inspect at any time all Airport premises together with all structures or improvements and all aircraft, equipment, all licenses and registrations and all records of the FBO or its officers, agents, or representatives of agents.
- q. The FBO shall park and store the aircraft used in its operations and its customers' aircraft only in areas assigned to it by the County unless alternate arrangements for such parking or storage are made with the County.

#### Section 10: FBO Minimum Standards

No person shall use the Airport as an FBO until such person has executed a lease agreement approved by the County. The FBO must meet the qualifications, standards, and requirements of these regulations and standards, pay any required fees, and receive approval from the County. As appropriate, the County will accept requests to combine space from individual specialty provider FBO's who provide more than one commercial aeronautical activity. FBO's desiring to provide retail aviation fuel and oil sales are required to comply with Section 10 of this chapter entitled "Full Service Fixed Base Operators." An FBO shall be a person who carries on or conducts one or more of the following services at the Airport provided, and adheres to all general aviation FBO regulations.

- a. Aviation Fuel Sales – Except as otherwise provided in any agreement between the FBO and the County, an FBO conducting aviation fuel and oil sales or service to the public on the Airport shall be required to provide the following services and equipment:
  - 1. Appropriate grades of aviation fuel including:
    - i. 100 octane Low Lead Avgas
    - ii. Jet A fuel
  - 2. An adequate inventory of generally accepted grades of aviation engine oil and lubricants.
  - 3. Fuel dispensing equipment, meeting all applicable Federal, State, and County requirements for such equipment, for all types of fuel dispensed.
  - 4. Proper equipment for aircraft towing, aircraft tire inflation, washing aircraft windscreens, and recharging aircraft batteries.
  - 5. The safe storage and handling of fuel in conformance with all Federal, State, and County requirements and fire codes pertaining to safe storage and handling of fuel.
  - 6. The lawful and sanitary handling and timely disposal, away from the Airport, all trash, waste and other materials including, but not limited to, used oils, solvents, and other waste. The piling and storage of crates, boxes and barrels, and other containers will not be permitted within the leased premises.
  - 7. Permanent restroom facilities for customers and personnel.
  - 8. Auto parking for customers and employees.

9. Adequate grounding wires will be installed, continuously inspected and maintained at all fueling locations, to eliminate the hazards of static electricity.
  10. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by County fire codes.
- b. Aircraft Maintenance and Repair – Except as otherwise provided for in any agreement between the FBO and the County, an FBO offering aircraft engine, airframe and accessory sales, maintenance and repair facilities to the public shall provide:
1. In case of airframe and/or engine repairs, sufficient hangar space to house any aircraft upon which such service is performed.
  2. Suitable storage space for aircraft awaiting repair, maintenance or delivery.
  3. Adequate enclosed shop space to house the equipment and adequate equipment and tools, jacks, lifts and testing equipment to perform overhauls as required for FAA certification and repair of parts not needing replacement on common general aviation aircraft.
  4. FAA certified mechanic with inspection authority for the work performed. FAA certificated airframe and power plant mechanic available during eight hours per day, five days per week.
  5. Necessary equipment and personnel to promptly remove from the runway (as soon as permitted by FAA, NTSB, and Virginia State Police authorities) any disabled aircraft.
  6. Adequate provisions for the removal/disposal of solutions, clean agents, lubricants and other wastes in compliance with Federal, State, and County regulations.
  7. Facilities for washing and cleaning aircraft meeting Environmental Protection Agency requirements for storm water discharge.
- c. Aircraft Rental – Except as otherwise provided in any agreement between the FBO and the County, an FBO conducting aircraft rental activity shall provide:
1. Suitable office space at the Airport for consummating rentals and keeping proper records in connection therewith.
  2. At least one airworthy aircraft suitably maintained and certificated.
  3. Adequate facilities for servicing the aircraft.

4. Adequate arrangements for parking the aircraft being rented.
  5. A properly certified pilot capable of conducting “flight checks” for prospective renters.
  6. Proper checklists and operating manuals on all aircraft rented.
  7. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by County fire codes.
  8. Auto parking for customers and employees.
- d. Flight Training – Except as otherwise provided in any agreement between the FBO and the County, an FBO conducting flight training shall provide:
1. At least one aircraft that:
    - i. Has a minimum of two seats
    - ii. Is maintained in accordance with FARs
    - iii. Is kept in a clean and presentable manner
    - iv. Is available for training.
  2. Current certificates required by the FAA for flight instruction.
  3. Adequate facilities or arrangements for storing, parking, servicing and repairing all of its aircraft.
  4. Auto parking for its customers and employees.
  5. Proper checklists and operating manuals on aircraft rented.
  6. An adequate supply of property located fire extinguishers and other equipment required by County fire codes.
- e. Independent Flight Instructor – An independent flight instructor is encouraged to provide instruction through the FBO or Flying Club. An independent flight instruction providing aeronautical activity to the general public, and/or advertising to the general public will be permitted to provide aircraft instruction with out meeting the requirements of Subsection d above (Flight Training), of this chapter provided that:
1. An airport Independent Flight Instruction Permit is acquired from the County which requires:
    - i. Proof of the proper and current FAA licenses and certificates
    - ii. Proof of adequate liability and property damage insurance to protect the operation and the County from legal liabilities.

## Section 11: Full Service FBO's Minimum Standards

A Full Service FBO shall provide retail aviation fuel and oil sales and aircraft maintenance services as these services are described in Section 10 a and 10 b of this chapter. In addition to the requirements for these two services and the general regulations contained in Section 10 of this chapter, the following requirements apply to Full Service FBO's"

- a. Sufficient area to perform as FBO including, but not limited to, a maintenance hangar, tie-down facilities, paved apron and auto parking areas, and office space.
- b. Install directories and all items necessary for complete flight planning.
- c. A lounge and waiting area for passengers.
- d. Facilities for safe aircraft storage and towing, hangaring and/or tie-downs of based and transient aircraft.
- e. Adequate grounding wires at fueling locations to eliminate the hazards of static electricity.
- f. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by County fire codes.

## Section 12: Requirements for Sub-Lessor Permitted to Conduct Aeronautical Activities

Each FBO proposing to sub-contract an aeronautical activity as a sublessor at the Airport will first need to secure the approval of the County and shall meet the following requirements to the satisfaction of the County:

- a. The sub-lessor should have previously conducted a similar aeronautical activity in an acceptable manner.
- b. The sub-lessor must have the financial capacity to support the activity.
- c. The sub-lessor must reasonably meet applicable requirements of the FAA, VDA, or other authority governing the proposed activity.
- d. The sub-lessor must furnish suitable insurance acceptable to the County, including liability insurance and bonding to protect and the hold the County, its officials, employees, agents and representatives, harmless from any liability arising out of the proposed activity.
- e. No interest in the activity shall be transferred to another party without the expressed written consent of the County.
- f. The County will have final approval with regard to any new activity to be conducted in or on the Airport property.

## Section 13: Flying Clubs

In an effort to promote flying for pleasure, develop skills in aeronautics, including pilotage, navigation, and awareness and appreciation of aviation performance and techniques, the category of Flying Clubs is added to these regulations and standards.

All flying clubs desiring to base the aircraft and operate on the Airport must comply with the applicable provisions of these regulations and standards. However, they shall be exempt from the regular fixed base operator requirements upon satisfactory fulfillment of the conditions contained herein.

- a. The club shall be a non-profit entity (corporation, association, or partnership) organized for the expressed purpose of providing its members with aircraft for their personal use and enjoyment only. The ownership of aircraft must be vested in the name of the flying club (or owned ratably by all its members). The property rights of the aircraft shall be equal and no part of the net earning of the club will inure to the benefit of any member in any manner. The club shall not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance, insurance, and replacement, upgrading or expansion of its aircraft fleet.
- b. The club shall not conduct charter, air taxi, or rental operations. The club shall not conduct aircraft flight instruction except for regular members and only members of the flying club may operate the aircraft. Any qualified mechanic who is a registered member and part owner of the aircraft operated by the club shall not be restricted from doing maintenance on aircraft owned by the club and the club does not become obligated to pay for such maintenance except that such mechanic and instructors may be compensated by credit against payments of dues or flight time. Maintenance shall be subject to the provisions these regulations and standards.
- c. All flying clubs and their members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the Airport except that said flying club may sell or exchange its capital equipment.
- d. The flying club, with its initial application, shall furnish the County a copy of its charter and by-laws, articles of association, partnership agreement or other documentation support its existence; a roster or list of members, including names of officers and directors, evidence of insurance in the form of a certificate of insurance in the following minimum amounts: Unit 8 Public Liability including aviation related activities \$500,000 per occurrence related to bodily injury or property damage, with hold harmless clauses in favor of the County, its officers, agents, representative and employees (ten day prior notice of cancellation shall be filed with the County); number and type of aircraft; evidence that ownership is vested in the club; and operating rules of the club. Evidence of insurance will be submitted to the County on an annual basis, during the renewal month of the policy. The books and other records shall be available for review at any reasonable time by the County.
- e. A flying club shall comply with all Federal, State, and County laws, ordinances, regulations and these regulations and standards.



- f. If a flying club violates any of the foregoing, or permits one or more members to do so, and the violation is not corrected with a reasonable time, as determined by the County, the club will be required to terminate all operations at the Airport and vacate the Airport.

#### Section 14: Personal Aircraft Sales

Nothing contained herein shall prohibit any person from selling such person's own aircraft.

#### Section 15: Waiver of Chapter IV Provisions

The County may, at its discretion, waive all or any portion of Chapter IV of these regulations and standards for the benefit of any government or governmental agency performing non-profit public services to the aircraft industry, or performing air search and rescue operations, fire prevention, fire-fighting or law enforcement operations but only to the extent permitted by the rules of FAA and the laws of the Commonwealth of Virginia and Fauquier County.

#### Section 16: Effect on Existing Leases

All lessees of land under written lease agreement at the Airport with County at the time these regulations and standards become effective, shall be required to comply with these regulations and standards.

#### Section 17: Pioneers

When an applicant wishes to qualify as a specialized FBO in order to provide services not already provided at the Airport, the foregoing minimum standards may be modified subject to written approval of the County for a limited period of time (not to exceed one year). It is the expressed purpose of this provision to encourage the expansion of services at the Airport where they do not exist and only to the extent and for the period of time necessary to create an inducement to the establishment of such services.

#### Section 18: Repair, Restoration, Replacement

Nothing contained in these regulations and standards shall be construed to require the County to maintain, repair, restore or replace any structure, improvement or facility, which is damaged or destroyed.

## **CHAPTER V**

### **PENALTIES**

In addition to any penalties otherwise provided by County ordinance or law, FARs, Code of Virginia, and all other rules and regulations of the FAA, any person violating these regulations and standards may be promptly removed, either temporarily or permanently from the Airport by the County. The County may hear appeals submitted in writing by any person or persons so removed, or ejected within ten (10) days of such removal.

## **CHAPTER VI**

### **GOVERNMENT AGREEMENTS**

#### **Section 1: War or National Emergency**

During time of war or national emergency, the County shall have the right to lease the Airport, or landing area, or any part thereof to the United States Government for military use, and any license or authority granted under these rules and any lease and agreement executed pursuant hereto shall be subject to such government lease as they are inconsistent with the said operators agreement, lease or authority.

#### **Section 2: Leases Subordinate to Government Leases**

Any licenses, authority, lease or agreement entered into pursuant to these regulations shall be subject and subordinate to the provisions of any existing or future agreement between the County and the United States, relative to the operation or the maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

#### **Section 3: Disadvantaged Business Enterprise**

It is the policy of the FAA, and enforced by Fauquier County, to utilize Disadvantaged Business Enterprises (DBE) in all aspects of contracting at the Airport. This commitment can be demonstrated by the efforts taken in the development of the DBE Plan and in correspondence within this organization stating such position. The plan will be made available upon request.

## **CHAPTER VII**

### **AIRPORT MASTER PLAN**

#### **Section 1: FBO Approval Not Required**

The County may, without the knowledge, consent or approval of any FBO or other person licensed to do business or use part of the Airport, make changes in the Master Plan of the Airport, and in the County's planning and policies in these connection with the development of the Airport and these regulations and standards. However, it is the County's intent to inform FBO's and other businesses of any such changes, which are significant.

## **CHAPTER VIII**

### **RESERVATION OF RIGHTS TO INDIVIDUAL USERS**

#### **Section 1: Explanation of Rights and Duties Imposed**

Notwithstanding anything to the contrary contained herein the following rights, privileges and duties are hereby conferred and imposed upon individual users of the airport facilities including, but not limited to, individual pilots, aircraft owners, tie-down and t-hangar renters.

- a. Each individual user as defined herein shall meet and maintain all requirements, regulations and standards for licensing, maintenance and repair of aircraft established by FARs, Safety Bulletins, Advisory Circular, Virginia Aviation Law, and all other Federal and State regulations and standards for licensing, maintenance, and repair of aircraft.
- b. It shall be the duty of each individual user of the Airport to fully inform themselves of and to keep current on, all Federal, State and County regulations and standards to completely and promptly comply therewith.
- c. Nothing contained herein shall restrict or limit the right of individual users to conduct maintenance and repairs on their own aircraft, which are allowed by the FAA or these regulations and standards. However, all such repairs and maintenance shall be authorized and conducted strictly in accordance with the Federal, State, and County regulations, circulars, airworthiness and requirements and such maintenance and repairs shall be conducted within the area of designed by the Airport Manager or t-hangars leased by individual users of the Airport or by authorized repair facility. Engine cleaning using flammable liquids shall be done in the designated open-air maintenance area.
- d. All individual users shall comply with these regulations and standards and will not allow any maintenance or repair activities or any part thereof to be conducted in said operations areas and will comply with all safety and fire regulations in effect at the time.

## **CHAPTER IX**

### **RESERVATION OR RIGHTS OF AIRPORT OWNER**

#### **Section 1: Explanation of Rights Reserved**

The County of Fauquier, Virginia, owner and operate of the Warrenton-Fauquier Airport, reserves all rights and powers to adhere to all Federal and State laws, and all contracts it has entered into including, but not limited to, all Federal and State Grant Agreements with the FAA and VDA for funding of improvements to the Airport. The County also reserves the right to make changes and modifications to these regulations and standards at any time.

Adopted by the Fauquier County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2002.